

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JESSE GLENNON KLUMPP

Petitioner,

VS.

DAVE DORMIRE,

Respondent.

Case No. 4:07-CV-43-TCM

ORDER

This matter is before the Court *sua sponte*. Petitioner filed the instant 28 U.S.C. § 2254 action on January 11, 2007, and the Court issued a Case Management Order on February 9, 2007. Thereafter, on June 2, 2008, petitioner filed another § 2254 petition and motion to proceed in forma pauperis which were docketed as an amended petition in the instant action [Doc. #36]. Since that time, it has come to the Court's attention that petitioner did not intend said petition [Doc. #36] to be filed as an amended petition, but rather as a new, separate habeas action.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall open a new civil case utilizing petitioner's 28 U.S.C. § 2254 petition (with attachments) and motion to proceed in forma pauperis [Doc. #36] as the § 2254 petition and in forma pauperis motion for the new civil case. However, a copy of the said documents [Doc. #36] shall remain filed in the instantca se.

IT IS FURTHER ORDERED that a copy of this Order shall also be docketed in the new civil action seeking relief pursuant to 28 U.S.C. § 2254.

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 20th day of October, 2008.